UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE at KNOXVILLE

DUSTIN WAYNE DAVIS)
)	
Petitioner,)	
)	
V.)	No. 3:06-cv-338
)	Phillips
)	•
HOWARD CARLTON, Warden)	
)	
Respondent.)	

JUDGMENT ORDER

In accordance with the accompanying Memorandum Opinion, the petition for the writ of habeas corpus is **DENIED** and this action is **DISMISSED**. Should the petitioner give timely notice of an appeal from this decision, such notice will be treated as an application for a certificate of appealability, which under the circumstances is hereby **DENIED**. The court **CERTIFIES** that any appeal from this action would not be taken in good faith and would be totally frivolous. The court further **DENIES** the petitioner leave to proceed *in forma pauperis* on appeal.

ENTER:	
	s/ Thomas W. Phillips
	United States District Judge
ENTERED AS A JUDGMENT	
s/ Patricia L. McNutt	
CLERK OF COURT	